

Rail Worker Defense

Civil Charges Dropped Against Amtrak Engineer Brandon Bostian

In what represents a victory for all railroad workers, on September 12th, Judge Thomas Gehret dismissed all charges against Amtrak engineer Brandon Bostian, stating that the evidence presented by the prosecution convinced him that the 2015 train wreck was “more likely an accident than criminal negligence.” Bostian had been indicted this past spring on charges of involuntary manslaughter, causing or risking a catastrophe, and reckless endangerment. He was at the throttle of Train #188 just east of Philadelphia on May 12th, 2015 when his train inexplicably accelerated to twice the maximum authorized speed on a section of trackage that unfortunately was not protected by *any form* of “train control,” let alone the much discussed Positive Train Control (PTC).

Amtrak’s internal investigation failed to turn up any evidence of wrongdoing on the engineer’s part, and the National Transportation Safety Board (NTSB) concluded in its comprehensive investigation that the mishap was due to a lack of PTC and a distracting sequence of events that caused Bostian to lose “situational awareness.” In addition, the Philadelphia District Attorney had declined to press charges, stating, “We cannot conclude that the evidence rises to the high level necessary to charge the engineer or anyone else with a criminal offense.” Nevertheless, the Pennsylvania DA served an indictment against the engineer at the 11th hour on May 12th, just hours before the statute of limitations expired, two years to the day of the accident (see *The Highball*, Summer 2017)

In Early September, Railroad Workers United adopted a *Resolution in Defense of the Amtrak engineer Brandon Bostian* in which the Steering Committee pointed out ten reasons why the actions of the Pennsylvania DA were uncalled for and un-just, condemning the indictment and calling for railroad workers to rally to the engineer’s defense. As with our fellow workers of the Montreal, Maine & Atlantic, Bostian was caught up in so-

cial, political, systemic and historical forces well beyond his control. These forces lurk behind the scene of most every train wreck, and must be brought into the light. Simply blaming the individual workers masks the underlying causes of train wrecks and does nothing to make for a safer railroad nor a safer society. Lack of proper and adequate funding, deferred maintenance, improper



Brandon Bostian

training, inadequate qualifying time, fatigue inducing schedules, insufficient staffing, failure to make use of available technology, and a safety culture that focuses on worker behavior rather than pinpointing and ameliorating hazards — all of these behind-the-scenes factors conspire to create an unsafe situation, a powder keg waiting to explode. And it did on May 12th, 2015.

We may never know what happened in the locomotive cab of Train #188 that fateful evening. But we do know - and so does Amtrak, the NTSB, the Philly DA, and Judge Gehret - that no evidence exists to send a railroad worker to prison.

Lac Megantic Trial Gets Underway in Quebec

The jury has now been selected, and the trial of Canadian railroad workers indicted on charges that could result in life prison sentences if convicted has begun. Due to the dynamic nature of events as we go to press, *The Highball* will refrain from publishing an article at this time. Please see the RWU website and Facebook Page for breaking news as the trial goes forward. A verdict is expected sometime in December.